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and the Highland Claimant Trust*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Reorganized Debtor.

)
) Chapter 11
)
) Case No. 19-34054-sgj11
)
)
)
)

**THE HIGHLAND PARTIES' WITNESS AND EXHIBIT LIST WITH
RESPECT TO EVIDENTIARY HEARING TO BE HELD ON JUNE 8, 2023**

¹ Highland's last four digits of its taxpayer identification number are (8357). The headquarters and service address for Highland is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

Highland Capital Management, L.P. (“HCMLP”), the reorganized debtor in the above-referenced bankruptcy case, the Highland Claimant Trust (the “Trust”), and James P. Seery, Jr., solely in his capacities as Chief Executive Officer of HCMLP and the Claimant Trustee (“Mr. Seery”, and together with HCMLP and the Trust, the “Highland Parties”) submit the following witness and exhibit list with respect to *Hunter Mountain Investment Trust’s Emergency Motion for Leave to File Verified Adversary Petition* [Docket No. 3699] and *Hunter Mountain Investment Trust’s Supplement to Emergency Motion for Leave to File Verified Adversary Proceeding* [Docket No. 3760], which the Court has set for hearing at 9:30 a.m. (Central Time) on June 8, 2023 in the above-styled bankruptcy case.

A. Witnesses:

1. James P. Seery, Jr.
2. James Dondero
3. Mark Patrick
4. Any witness identified by or called by any other party; and
5. Any witness necessary for rebuttal.

Exhibits:

Number	Exhibit	Offered	Admitted
1.	<i>Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (As Modified)</i> [Docket No. 1808]		
2.	<i>Order (I) Confirming the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (As Modified) and (II) Granting Related Relief</i> [Docket No. 1943]		
3.	<i>Verified Petition to Take Deposition Before Suit and Seek Documents</i> filed on July 22, 2021 (Cause No. DC-21-09534)		
4.	<i>Verified Amended Petition to Take Deposition Before Suit and Seek Documents</i> filed on May 2, 2022 (Cause No. DC-21-09534)		

Number	Exhibit	Offered	Admitted
5.	<i>Declaration of James Dondero</i> dated May 31, 2022 (Cause No. DC-21-09534)		
6.	<i>Memorandum Opinion and Order Granting James Dondero's Motion to Remand Adversary Proceeding to State Court, Denying Fee Reimbursement Request, and Related Rulings</i> [Adv. Pro. No. 21-03051, Docket No. 23]		
7.	<i>Order</i> dated June 1, 2022, denying First Rule 202 Petition and dismissing case (Cause No. DC-21-09534)		
8.	<i>Petitioner Hunter Mountain Investment Trust's Verified Rule 202 Petition</i> filed on January 20, 2023 (Cause No. DC-23-01004)		
9.	<i>Declaration of James Dondero</i> (with Exhibit 1) dated February 15, 2023 (Cause No. DC-23-01004)		
10.	<i>Order</i> dated March 8, 2023, denying Second Rule 202 Petition and dismissing case (Cause No. DC-23-01004)		
11.	Email sent by James Dondero to James Seery on December 17, 2020		
12.	James Dondero's resignation letters dated January 9, 2020		
13.	James Dondero's October 9, 2020 resignation e-mail		
14.	Advisors' October 16, 2020 letter to James P. Seery		
15.	<i>Memorandum Opinion and Order Granting in Part Plaintiff's Motion to Hold James Dondero in Civil Contempt of Court for Alleged Violation of TRO</i> entered on June 7, 2021 [Adv. Pro. No. 20-03190, Docket No. 190]		
16.	<i>Order (A) Approving the Adequacy of the Disclosure Statement; (B) Scheduling a Hearing to Confirm the Fifth Amended Plan of Reorganization; (C) Establishing Deadline for Filing Objections to Confirmation of Plan; (D) Approving Form of Ballots, Voting Deadline and Solicitation Procedures; and (E) Approving Form and Manner of Notice</i> entered November 24, 2020 [Docket No. 1476]		
17.	Written notices of termination of shared services agreements with NexPoint Advisors, L.P. and Highland Capital Management Advisors, L.P., dated November 30, 2020		
18.	Demand Letter sent to James Dondero on December 3, 2020		

Number	Exhibit	Offered	Admitted
19.	Demand Letter sent to HCMFA on December 3, 2020		
20.	Demand Letter sent to HCRE on December 3, 2020		
21.	Demand Letter sent to HCMS on December 3, 2020		
22.	James Dondero's text message to James Seery sent on December 3, 2020		
23.	<i>Order Granting Debtor's Motion for a Temporary Restraining Order Against James Dondero</i> entered December 10, 2020 [Adv. Pro. No. 20-03190, Docket No. 10]		
24.	Transcript of the hearing held on December 16, 2020		
25.	Article: <i>MGM Leads 2020 Media Acquisition Targets as the Entertainment World Splits Into Haves and Have-Nots</i> (January 26, 2020)		
26.	Article: <i>It's 'No Time to Die' for Hedge-Fund Manager Ulrich's Big James Bond Bet</i> (Oct. 11, 2020)		
27.	Article: <i>MGM Holdings, Studio Behind 'James Bond,' Explores a Sale</i> (Dec. 21, 2020)		
28.	Article: <i>The world is not enough! Amazon joins other streaming services in £4bn bidding war for Bond films as MGM considers selling back catalogue</i> (Dec. 23, 2020)		
29.	Article: <i>Could Apple Be Ready to Gobble Up MGM Studios Entirely</i> (Dec. 24, 2020)		
30.	Article: <i>MGM Is For Sale (Again)</i> (January 15, 2021)		
31.	Email from James Seery to the other Independent Directors on December 8, 2020		
31-a.	Highland CLO Funding Ltd.'s Statement of Financial Position as of November 30, 2020 [REDACTED]		
32.	<i>James Dondero's Objection to Debtor's Motion for Entry of an Order Approving Settlement with HarbourVest</i> [Docket No. 1697]		
33.	Letter from the Texas State Securities Board to Highland Capital Management, L.P., dated May 9, 2023		
34.	Article: <i>Amazon's \$8.45 Billion Deal for MGM is Historic But Feels Mundane</i> (May 26, 2021)		

Number	Exhibit	Offered	Admitted
35.	Letter from Davor Rukavina, to counsel to NexPoint, to Stonehill Capital Partners, dated October 14, 2022		
36.	<i>Order Approving Debtor's Motion Under Bankruptcy Code Sections 105(a) and 363(b) Authorizing Retention of James P. Seery, Jr., as Chief Executive Officer, Chief Restructuring Officer and Foreign Representative Nunc Pro Tunc to March 15, 2020 entered on July 16, 2020 [Docket No. 854]</i>		
37.	<i>Disclosure Statement for the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. [Docket No. 1473]</i>		
38.	<i>Claimant Trust Agreement</i> , effective as of August 11, 2021		
39.	August 26, 2021 <i>Minutes of the Meeting of the Claimant Trust Oversight Board of the Highland Claimant Trust [REDACTED]</i>		
40.	August 30, 2021 <i>Minutes of the Meeting of the Claimant Trust Oversight Board of the Highland Claimant Trust [REDACTED]</i>		
41.	<i>Memorandum of Agreement</i> executed December 6, 2021 [REDACTED]		
42.	<i>Assignment Agreement</i> , effective as of October 8, 2021		
43.	Transcript of the status conference held on April 24, 2023		
44.	<i>Litigation Sub-Trust Agreement</i> , effective as of August 16, 2021		
45.	<i>Original Complaint</i> , Case No. 3:21-cv-00842-B, Docket No. 1 (N.D. Tex. April 12, 2021)		
46.	<i>Debtor's Notice of Filing of Plan Supplement to the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (As Modified) [Docket No. 1875]</i>		
47.	<i>Order Approving Settlement with Official Committee of Unsecured Creditors Regarding Governance of the Debtor and Procedures for Operations in the Ordinary Course [Docket No. 339]</i>		
48.	<i>Notice of Debtor's Amended Operating Protocols [Docket No. 466]</i>		
49.	<i>Partnership Interest Purchase Agreement Among The Dugaboy Investment Trust, The Mark and Pamela Okada Family Trust-Exempt Trust #1, The Mark and Pamela Okada Family Trust-Exempt Trust #42, Mark K. Okada, and Hunter Mountain</i>		

Number	Exhibit	Offered	Admitted
	<i>Investment Trust Dated as of December 24, 2015</i>		
50.	Hunter Mountain Investment Trust's <i>Secured Promissory Note</i> to Highland Capital Management, LP (\$63 Million)		
51.	Hunter Mountain Investment Trust's <i>Secured Promissory Note</i> to Dugaboy (\$62.6 Million)		
52.	Hunter Mountain Investment Trust's <i>Secured Promissory Note</i> to Mark Okada (\$16.3 Million)		
53.	Hunter Mountain Investment Trust's <i>Secured Promissory Note</i> to The Mark and Pamela Okada Family Trust-Exempt Trust #1 (\$3.2 Million)		
54.	Hunter Mountain Investment Trust's <i>Secured Promissory Note</i> to The Mark and Pamela Okada Family Trust-Exempt Trust #2 (\$1.4 Million)		
55.	Hunter Mountain Investment Trust Demand Letter, dated May 3, 2021		
56.	Transcript of the hearing held on May 26, 2023		
57.	<i>Order Pertaining to the Hearing on Hunter Mountain Investment Trust's Motion for Leave to File Adversary Proceeding [DE ## 3699 & 3760] (Docket No. 3787)</i>		
58.	<i>Order Regarding Hunter Mountain Investment Trust's Emergency Motion for Expedited Discovery or, Alternatively, for Continuance of the June 8, 2023 Hearing (Docket No. 3800)</i>		
59.	Email chain dated October 9, 2021 – November 5, 2021 re Incentive Compensation Proposal		
60.	Highland CLO Funding, Ltd. <i>Annual Report and Audited Financial Statements for the Financial Year Ended 31 December 2020</i>		
61.	Any document entered or filed in the Reorganized Debtor's chapter 11 bankruptcy case, including any exhibits thereto		
62.	All exhibits necessary for impeachment and/or rebuttal Purposes		
63.	All exhibits identified by or offered by any other party at the Hearing		

Dated: June 5, 2023

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